



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**URGENT LEGAL MATTER
REQUIRES PROMPT RESPONSE**

JAN 30 2013

Sam Cocopard, President and CEO
Copar Industries, LLC
19 Spring Street
Chester, Connecticut 06412

Re: Clean Air Act Administrative Order

Dear Mr. Cocopard:

The United States Environmental Protection Agency, ("EPA"), Region 1, is issuing Copar Quarries of Westerly, LLC, a subsidiary of Copar Industries, LLC, ("Copar Quarries"), the enclosed Administrative Order ("AO") regarding its facility located at 271 Church Street in Bradford, Rhode Island. The AO describes EPA's findings that Copar Quarries has violated, and is still in violation of, certain Clean Air Act ("CAA") requirements relating to 40 C.F.R. Part 60, Subpart OOO, the New Source Performance Standards for Nonmetallic Mineral Processing Plants (the "Nonmetallic Mineral Processing NSPS").

This action is based on a CAA inspection conducted by EPA at the Facility on September 12, 2012, and on responses provided by Copar Quarries to an information request issued to Copar Quarries by the Rhode Island Department of Environmental Management.

You may confer with EPA concerning this AO and the findings contained therein. To schedule a conference, please contact Tom McCusker, Environmental Engineer, at (617) 918-1862, or have your legal counsel contact Thomas T. Olivier, Senior Enforcement Counsel, at (617) 918-1737, within fourteen days of your receipt of this letter and the enclosed AO.

Sincerely,

Susan Studlien, acting for

Susan Studlien, Director
Office of Environmental Stewardship

cc: Ted Burns, RI DEM

Enclosures

JUNE 2013

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

In the Matter of:

**Copar Quarries of Westerly, LLC)
271 Church Street)
Bradford, Rhode Island 02808)**

ADMINISTRATIVE ORDER

**Proceeding under Section 113)
of the Clean Air Act)**

INTRODUCTION AND STATUTORY AUTHORITY

1. The United States Environmental Protection Agency (“EPA”), Region 1, issues this Administrative Order (“AO”) to Copar Quarries of Westerly, LLC (“Copar Quarries”), regarding its stone crushing and gravel processing operations at 271 Church Street in Bradford, Rhode Island.
2. The AO contains EPA’s findings that Copar Quarries has violated and continues to violate the New Source Performance Standards for Nonmetallic Mineral Processing Plants (“Nonmetallic Mineral Processing NSPS”), found at 40 C.F.R. Part 60, Subpart OOO.
3. The AO is issued under the authority of Section 113 of the Clean Air Act (“CAA” or “Act”), 42 U.S.C. § 7413. Section 113(a)(3) of the Act provides that EPA may issue an order requiring compliance with requirements or prohibitions under subchapter I of the Act (which includes Section 111 of the Act and the Nonmetallic Mineral Processing NSPS).

BACKGROUND AND FACTUAL BASIS

4. Copar Quarries began its stone crushing and gravel processing operations on or around January 3, 2011.
5. On September 12, 2012, EPA conducted an on-site inspection of Copar Quarries.

6. Information gathered during EPA's September 12, 2012 inspection and from files at the Rhode Island Department of Environmental Management ("RI DEM") indicates that Copar Quarries:

- a. is a portable nonmetallic mineral (crushed stone and gravel) processing plant, as defined in 40 C.F.R. § 60.671, with a capacity of more than 150 tons per hour.
- b. maintains the following equipment for use in nonmetallic mineral stone crushing and gravel processing operations:
 - i. one McCloskey Model C-50 primary jaw crusher;
 - ii. two McCloskey Model C-44 secondary cone crushers;
 - iii. one McCloskey Model S190 primary screener;
 - iv. one Fintech Model 542 primary screener;
 - v. one McCloskey Model R155 scalper screener; and
 - vi. one McCloskey Model R105 scalper screener.

7. Copar Quarries' various crushers, screeners, and belt conveyors are "affected facilities" under the Nonmetallic Mineral Processing NSPS. See 40 C.F.R. § 60.670(a).

8. The effective date of the Nonmetallic Mineral Processing NSPS was August 1, 1985. See 50 Fed. Reg. 31328 (August 1, 1985). Amendments to the Nonmetallic Mineral Processing NSPS were effective on April 28, 2009. See 74 Fed. Reg. 19309 (April 28, 2009). Each owner or operator of an affected facility that commenced construction, reconstruction, or modification after August 31, 1983 is subject to the requirements of the Nonmetallic Mineral Processing NSPS as promulgated on August 1, 1985. See 40 C.F.R. § 60.670(e). Each owner or operator of an affected facility that commenced construction, reconstruction, or modification on or after

April 22, 2008 is subject to the further requirements of the Nonmetallic Mineral Processing NSPS as promulgated on April 28, 2009. See 40 C.F.R. § 60.674(b).

9. Copar Quarries was constructed after April 22, 2008.

10. Pursuant to 40 C.F.R. § 60.672(b), Standard for Particulate Matter, affected facilities without capture systems, such as those at Copar Quarries, must meet the fugitive emission limits and compliance requirements in Table 3 of the subpart within 60 days after achieving the maximum production rate at which the facility will be operated, but no later than 180 days after initial startup as required under §60.11.

11. Pursuant to 40 C.F.R. § 60.675(c), Test Methods and Procedures, the owner or operator of an affected facility must determine compliance with § 60.672(b) by performing EPA Reference Method 9 visible emission testing on all subject equipment (e.g., the crushers, screeners, and conveyor belts).

12. Copar Quarries started its nonmetallic mineral processing operations on January 3, 2011 and was required to conduct EPA Reference Method 9 visible emission testing to determine its fugitive emissions by July 2, 2011. To date, Copar Quarries has not conducted the required EPA Reference Method 9 visible emission testing.

13. Accordingly, Copar Quarries has violated and continues to violate 40 C.F.R. §§ 60.672(b) and 60.675(c).

14. Pursuant to 40 C.F.R. § 60.674(b), the owner or operator of an affected facility for which construction, reconstruction, or modification commenced on or after April 22, 2008, that uses wet suppression to control emissions from the affected facility, must perform monthly periodic inspections to check that water is flowing to discharge spray nozzles in the wet suppression

system. The owner or operator must record each inspection of the water spray nozzles, including the date of each inspection and any corrective action taken, in a logbook required by § 60.676(b).

15. Copar Quarries uses wet suppression to control particulate emissions from the affected facilities. Copar Quarries did not begin recording the monthly inspection dates of the wet suppression system until January 3, 2012. In addition, on February 22, 2012, the water pump that supplies water to the wet suppression system broke down and needed to be replaced. Although Copar Quarries halted operations until the water pump was replaced, Copar Quarries failed to include the corrective action taken to replace the water pump in its monthly inspection logbook.

16. Accordingly, Copar Quarries has violated 40 C.F.R. §§ 60.674(b) and 60.676(b).

17. Pursuant to 40 C.F.R. § 60.676(f), Reporting and Recordkeeping, the owner or operator of an affected facility is required to submit written reports of the results of all performance testing conducted to demonstrate compliance with the standards set forth in § 60.672, including reports of opacity observations made using EPA Reference Method 9 to demonstrate compliance with § 60.672(b).

18. Copar Quarries did not conduct the required EPA Reference Method 9 visible emission testing, and therefore did not submit the required reports of the results of such testing.

19. Accordingly, Copar Quarries has violated and continues to violate 40 C.F.R. § 60.676(f).

20. Pursuant to 40 C.F.R. § 60.676(i), the owner or operator of an affected facility shall submit to EPA a notification of the actual date of initial startup of each affected facility (e.g., each crusher and screener (the conveyor belts are part of the crusher units)).

21. Copar Quarries did not provide a notification to EPA or the RI DEM regarding the actual date of initial startup of its stone crushing and gravel processing equipment. To date, EPA has not received such a notification.

22. Accordingly, Copar Quarries has violated and continues to violate 40 C.F.R. § 60.676(i).

ADMINISTRATIVE ORDER

23. Based on the foregoing, EPA has determined that Copar Quarries violated and continues to violate the Nonmetallic Mineral Processing NSPS found at 40 CFR Part 60, Subpart OOO.

24. Pursuant to Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), Copar Quarries is hereby ordered to comply with the requirements and prohibitions of the Nonmetallic Mineral Processing NSPS. Specifically, Copar Quarries must:

- a. submit a notification of the actual startup date of each affected facility (e.g., each crusher, screener, and associated conveyor belts) as expeditiously as practicable but no later than 30 days from the date of receipt of this AO;
- b. conduct the required EPA Reference Method 9 visible emission testing for each affected facility as expeditiously as possible, but no later than 60 days from the date of receipt of this AO;
- c. submit the results of the EPA Reference Method 9 visible emission testing for each affected facility within 30 days of the completion of the EPA Reference Method 9 visible emission testing; and
- d. continue to maintain a periodic monthly inspection logbook that includes each corrective action taken regarding the wet suppression system.

ENFORCEMENT

25. After the issuance of this AO, EPA may take any or all of the following actions in accordance with the provisions of Section 113(a) of the Act: (a) issue a further order requiring compliance with the Act; (b) issue an administrative penalty order; or (c) bring a civil action in federal district court for an injunction and/or monetary penalties up to \$37,500 per day for each violation. See Sections 113(a), (b) and (d) of the Act, 42 U.S.C. §§ 7413(a), (b) and (d), and 40 C.F.R. Part 19.4 (CAA judicial and administrative penalties raised from \$25,000 to \$37,500, effective after January 12, 2009).

26. If Copar Quarries has knowingly violated the requirements of the Act, Copar Quarries and its responsible corporate officers may be subject to criminal penalties under Title 18 of the United States Code, imprisonment for not more than five years, or both. See Section 113(c) of the Act, 42 U.S.C. § 7413(c).

27. Be advised that the issuance of this AO does not preclude EPA from electing to pursue any other remedies or sanctions authorized by law that are available to address the violations alleged above.

OPPORTUNITY TO CONFER

28. If Copar Quarries has any questions regarding this AO, please contact Tom McCusker, Environmental Engineer, at (617) 918-1862, or have your legal counsel contact Thomas T. Olivier, Senior Enforcement Counsel, at (617) 918-1737. Copar Quarries may request an opportunity to confer with EPA within 14 days of issuance of this AO by contacting Mr. McCusker or Mr. Olivier at the phone numbers listed above.

EFFECTIVE DATE AND APPLICABILITY

29. This AO shall become effective 21 days after its issuance by EPA. This AO applies to Copar Quarries, its officers, agents, servants, employees, successors, and assigns, and to all persons, firms, and corporations acting under, through, or for Copar Quarries. This AO is not subject to Office of Management and Budget review under the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

SO ISSUED:

Sam Silverman, acting for
Susan Studlien, Director
Office of Environmental Stewardship
U.S. EPA, Region 1

1-28-13
Date

